



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5500*13

RECEIVED

DEC 11 2002

MICHAEL LEBRUN ET AL

SERIAL NO. 08/945,144

Art Unit: 1638

TECH CENTER 1600/29

FILED: OCTOBER 14, 1997

Examiner: D. Kruse

FOR: MUTATED 5-ENOL PYRUVYLSHIKIMATE-
3-PHOSPHATE SYNTHASE, GENE CODING
FOR SAID PROTEIN AND TRANSFORMED
PLANTS CONTAINING SAID GENE

Assistant Commissioner for Patents
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231 ON THIS 2nd DAY OF December, 2002.

BY:

Jan H Marshall

AMENDMENT UNDER RULE 116

In response to the Official Action (final) dated August 28, 2002, please amend this application as follows:

IN THE CLAIMS:

Please amend claims 42, 46, 47, 50, 53 and 54 as follows:

42. (Twice Amended) A modified nucleic acid molecule of plant origin encoding an EPSPS enzyme, the modifications comprising:
a first modification of a coding sequence that normally encodes a threonine that is located, relative to the gene from which it is derived, at position 102 of the amino acid sequence of the mature EPSPS sequence of SEQ ID NO: 3, to encode isoleucine in a mature plant EPSPS sequence; and

OK to
enter
PT 1/8/03

G1

SUB H1

6